REMARKS

Administrative matters

Both this Office Action and the previous Office Action dated July 23, 2004, were sent to the law firm of Hickman Palmero Truong and Becker LLP. However, as shown in the attached Notice Regarding Power of Attorney mailed by this Office on September 20, 2002, the Power of Attorney for this case rests with client number 28970.

Substantive response

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By this Amendment, claims 1, 3, 12, 14 and 23 are amended. More particularly, claims 1 and 12 have been amended to include the subject matter of original claims 3 and 14, respectively. A similar amendment in subject matter has been made to claim 23. Claims 3 and 14 have been amended to clarify that the traditional media source may include a satellite. Support for the amendment to claims 3 and 14 can be found at page 1, line 26 to page 2, line 3, for example. Accordingly, claims 1-23 remain pending herein upon entry of this Amendment. Support for the amendment to each of the claims and new claim 5 can be found, for example, at page 8, lines 7-12 of the present application. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Final Office Action mailed, claims 1, 5-6, 12, 16-17 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Willis et al. (U.S. Patent No. 6,584,082). Claims 2-4, 7-10, 13-15, and 18-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis

(U.S. Patent No. 6,584,082), in view of Cragun et al. (U.S. Patent No. 5,973,683). To the extent this rejection might still be applied to claims presently pending in this application, it is respectfully traversed.

Examiner Nguyen is thanked for the courtesies extended to Applicant's representative during the personal interview conducted April 26, 2005.

Applicant has amended claim 23 to overcome the objection due to informalities.

Regarding the rejection of independent claims 1, 12 and 23, claims 1, 12 and 23 recite, in part, "receiving from a network client...a request to record and publish one or more traditional media source programs in one or more encoding formats, the one or more traditional media source programs being broadcast from a traditional media source that is not generally receivable at a geographic location at which the network client resides," and "in response to receiving the request, capturing the one or more traditional media source programs from the traditional media source that broadcasts the one or more traditional media source program." After being "captured," the traditional media source program that is selected by the network client is then encoded and published to that network client.

In contrast, Willis does not teach capturing traditional media source programs from a traditional media source that is not generally receivable geographic location at which the network client resides. Even if Fig. 6 of Willis where interpreted to allow pay-per-view technology or DVR technology (which Applicant disputes), these technologies are generally receivable at a geographic location at which the network client resides. Indeed, these services are provided through the traditional media source (e.g., satellite) companies themselves and

would not survive commercially if they were "not generally receivable" at a geographic location of its customers.

More importantly, there is nothing in Willis that suggests recording particular programming only in response to a request from a network client. All programming in Willis is already recorded and immediately available for broadcast.

Because Willis et al. does not teach each and every limitation of claims 1, 12 and 23, the § 102(e) rejection of these claims should be withdrawn. The § 102(e) rejection of claims 5, 6, 16 and 17 should be withdrawn as well, at least in view of their dependence from claims 1 and 12, respectively.

Cragun et al., which discloses a user-friendly method for controlling content displayed on a television, does not cure the deficiencies of Willis et al. Because a combination of Willis et al. and Cragun et al. fails to teach or suggest each and every recitation required by dependent claims 2-4, 7-10, 13-15 and 18-21, the § 103(a) rejection of these claims should be withdrawn.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

Applicant respectfully inquires as to the status of the above-identified patent application, and when the next communication from the United States Patent and Trademark Office regarding this application may be expected.

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Respectfully submitted,

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